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4 BILL NO. S-74-11-55

5 SPECIAL ORDINANCE NO. S- 199-74

6 AN ORDINANCE approving a contract with JOHN
7 DEHNER, INC. for water system improvement
8 under Water Contract 74-2

9 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
10 WAYNE, INDIANA:

11 SECTION 1. The contract dated September 28, 1974 between the City
12 of Fort Wayne, by and through its Mayor and the Board of Public Works and JOHN
13 DEHNER, INC., for construction of Waynedale Phase I Water System Improvement
14 as follows:

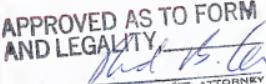
15 To lower 16 inch water main on Old Trail Road from sta. 120+50
16 to sta. 133+00 as referenced to City of Fort Wayne Street Engineer-
17 ing plans for Waynedale Package Improvement, Phase I

18 for a total cost to Water Utility of \$35,537.50, all as more particularly set forth in
19 said Contract, which is on file in the Office of the Board of Public Works, and is
20 by reference incorporated herein and made a part hereof, is hereby in all things
21 ratified, confirmed and approved.

22 SECTION 2. This Ordinance shall be in full force and effect from and
23 after its passage and approval by the Mayor.

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Councilman

APPROVED AS TO FORM
AND LEGALITY

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Read the first time in full and on motion by Burns, seconded by Alinga, and duly adopted, read the second time by title and referred to the Committee on City Utilities (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197____, at _____ o'clock P.M., E.S.T.

Date: 11/26/74

Charles M. Tolson
CITY CLERK

Read the third time in full and on motion by Burns, seconded by Alinga, and duly adopted, placed on its passage. Passed (105) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	to-wit:
BURNS	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
HINCA	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
KRAUS	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
MOSES	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
NUCKOLS	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SCHMIDT, D.	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
SCHMIDT, V.	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
STIER	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
TALARICO	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 12-10-74

Charles M. Tolson
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map) (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 12-199-74 on the 10th day of December, 1974.

ATTEST: (SEAL)

Charles M. Tolson
CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 11th day of December, 1974, at the hour of 11:00 o'clock P.M., E.S.T.

Charles M. Tolson
CITY CLERK

Approved and signed by me this 11th day of December, 1974, at the hour of 3:00 o'clock P.M., E.S.T.

John H. Hough
MAYOR

Bill No. S-74-11-55

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a contract with JOHN DEHNER, INC. for water system improvement
under Water Contract 74-2

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance as PASS.

Paul M. Burns - Chairman

James S. Stier - Vice-Chairman

Vivian G. Schmidt

Donald J. Schmidt

Eugene Kraus, Jr.

DATE 12/10/74 CONCURRED IN
CHARLES W. WESTERMAN, CITY CLERK

AGREEMENTFOR CONSTRUCTION OF WAYNEDALE PHASE I WATER SYSTEM IMPROVEMENT

BOARD ORDER 126-74

CONTRACT NO. 74-2

WORK ORDER 63251

THIS AGREEMENT, made this 28th day of SEPTEMBER 1974, by and between JOHN DEHNER, INC., herein called the Contractor, and the City of Fort Wayne, an Indiana Municipal Corporation, herein called Owner,

WITNESSETH, that the Contractor and the Owner for the considerations hereinafter named, agree as follows:

ARTICLE 1. SCOPE OF WORK

Contractor shall furnish all labor, equipment, tools, power, transportation, miscellaneous equipment, etc., including excavation, laying and connecting of pipe and fittings, hauling of spoil and backfilling trench with compacted bank run gravel

to lower 16 inch water main on Old Trail Road from sta. 120+50 to sta. 133+00 as referenced to City of Fort Wayne Street Engineering plans for Waynedale Package Improvement, Phase I.

ARTICLE 2. THE CONTRACT SUM

The Owner shall pay the Contractor for the performance of the contract the sum of \$35,537.50. In event the amount of work is increased or decreased by the Owner, the contract sum shall be increased or decreased according to the unit price schedule set forth in the Contractor's Proposal.

ARTICLE 3. PROGRESS PAYMENTS

The Owner shall make payments on account of the contract as provided therein, as follows:

On or about the 15th day of each month, ninety percent (90%) of the value of the work performed up to the first day of that month (based on the contract prices of labor and materials incorporated in the work) and as estimated by the Contractor and approved or revised by the Engineering Department of the Owner, less the aggregate of previous payments.

ARTICLE 4. ACCEPTANCE AND FINAL PAYMENT

Final payment shall be due at the time the work is fully completed and the contract is fully performed.

Upon receipt of written notice that the work is ready for final inspection and acceptance, the Engineering Department of the Owner shall promptly make such inspection, and when it finds the work acceptable under the contract and the contract fully performed, it shall promptly issue a final certificate stating that the work provided for in this contract has been completed and is accepted, and the entire balance of the contract sum shall be due and payable to the Contractor.

At the time said payment is due and payable, the Contractor shall furnish the Owner, if requested to do so, satisfactory evidence that all persons who have supplied labor, material, or equipment for the work have been fully paid.

ARTICLE 5. GUARANTEE OF WORKMANSHIP

Contractor guarantees all workmanship for a period of one year after the date of the acceptance of the work.

ARTICLE 6. THE CONTRACT DOCUMENTS

The Instructions to Bidders, Specifications, Contractor's Proposal, and this Agreement form the Contract, and they are as fully a part of the Contract as if hereto attached or herein repeated. The following is an enumeration of these documents.

- A. Instructions to Bidders for Contract No. 74-2.
- B. Contractor's Proposal dated August 20, 1974.
- C. Supplemental Specifications for Old Trail Road Water Main Lowering and Detailed Specifications and Conditions for the Installation of Transmission and Distribution Mains, Contract No. 74-2 and Fort Wayne Water Utility, Engineering Department Drawing No. Y-10481, Sheets 1 thru 3.
- D. All materials shall be in accordance with Fort Wayne Water Utility Engineering Department Water Main Materials Standards, dated November 28, 1973, except as modified in the Supplemental Specifications.

ARTICLE 7. ADJUSTMENT OF DISPUTES

All questions or controversies which may arise between the Contractor and the Owner under the provisions of this Contract shall be subject to the decision of the Chief Engineer of the Fort Wayne Water Utility of the Owner, and his decision shall be final and conclusive upon the parties.

Provided, however, no changes in the plans, specifications, or other phases of the work covered by this Contract will be permitted except on prior written authorization by the Board of Public Works.

ARTICLE 8. INDEMNITY

Contractor shall indemnify the Owner against any claim or loss incurred or arising out of the performance of the work as provided herein.

ARTICLE 9. COUNCILMANIC APPROVAL

This Agreement, although executed on behalf of the Owner by it's Mayor and Board of Public Works, shall not be binding upon the Owner unless and until the same shall have been ratified and approved by the Common Council of the City of Fort Wayne, Indiana, and should said Common Council fail to approve the same within sixty (60) days after the date hereof, then this contract shall be and become wholly void.

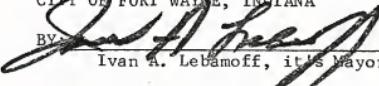
IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and year first above written.

JOHN DEHNER, INC.

BY: 

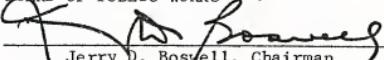
John Dehner, President

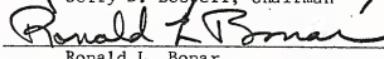
CITY OF FORT WAYNE, INDIANA

BY: 

Ivan A. Lebamoff, it's Mayor

BOARD OF PUBLIC WORKS


Jerry D. Bostell, Chairman


Ronald L. Bonar


William G. Williams

ATTEST:


Edna I. Smith, Clerk

APPROVED AS TO FORM AND LEGALITY:



APPROVED By the Common Council of the City of Fort Wayne On _____ 1974,
Special Ordinance No. _____.



THE CITY OF FORT WAYNE
board of public works

November 6, 1974

The Common Council
Fort Wayne, Indiana

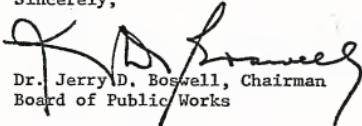
Gentlemen and Mrs. Schmidt:

Contract of John Dehner, Inc. in amount of \$35,537.50 for lowering a 16" water main on Old Trail Road prior to Waynedale improvements in the area was mislaid in attorney's office.

In order to proceed with the Improvement Package, the contractor and the Board requests "Prior Approval" of the water main project.

Contracts will be submitted for formal approval and Ordinance.

Sincerely,


Dr. Jerry D. Boswell, Chairman
Board of Public Works

JDB:bt

APPROVED:

John Duckhol Jones S. Thompson Samuel J. Talarico
Virginia S. Schmidt Jack D. Burns Eugene Kraus
Winfred W. (Mrs. R. L.) Schmidler Q.S. Schmidler

MEMBERS OF THE COMMON COUNCIL

J

DIGEST SHEET

TITLE OF ORDINANCE Special Ordinance

S-74-11-55

DEPARTMENT REQUESTING ORDINANCE Board of Public Works

SYNOPSIS OF ORDINANCE Water Contract with John Dehner, Inc. in amount of \$35,537.50 for water system improvement in area of Old Trail Road in connection with the Waynedale Package Improvement, Phase I.

SEE PRIOR APPROVAL ATTACHED

EFFECT OF PASSAGE Work need to be accomplished ahead of the Waynedale Package Improvement.

EFFECT OF NON-PASSAGE Improper water facilities that would necessitate future dig-up of Waynedale paving projects.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) Cost to Water Utility will be \$35,537.50.

ASSIGNED TO COMMITTEE

clv

City Utility